

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BENIAK ENTERPRISES, INC. d/b/a  
BENITO RISTORANTE, on behalf of  
itself and all others similarly situated,

Plaintiff,

v.

CHUBB LTD. and INDEMNITY  
INSURANCE COMPANY OF NORTH  
AMERICA,

Defendants.

**Case No. 2:20-cv-05536-KM-JBC**

**NOTICE OF DEFENDANT'S MOTION FOR  
JUDGMENT ON THE PLEADINGS**

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**PLEASE TAKE NOTICE** that on June 21, 2021, or as soon thereafter as counsel may be heard, Defendant Indemnity Insurance Company of North America will move before the Honorable Kevin McNulty, U.S.D.J., at the Lautenberg U.S. Post Office and Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for judgment on the pleadings under Federal Rule of Civil Procedure 12(c).

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, Defendant relies on (i) the Memorandum of Law in Support of Defendant's Motion for Judgment on the Pleadings and (ii) the Declaration of Daren S. McNally in Support of Defendant's Motion for Judgment on the Pleadings and accompanying exhibit submitted herewith. Also submitted herewith is a [Proposed] Order Granting Motion for Judgment on the Pleadings, as well as a Request for Judicial Notice with Exhibits.

Dated: April 30, 2021

Respectfully submitted,

/s/ Daren S. McNally

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